

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEREMY LEO TINCHER,

Defendant.

CR-20-11-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 28, 2024. (Doc. 86.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 28, 2024. (Doc. 82.) The United States accused Jeremy Tinchler (Tinchler) of violating his conditions of

supervised release by (1) failing to participate in substance abuse testing by providing a diluted urine sample on March 24, 2024; (2) consuming alcohol, testing positive for ETG on April 4, 2024; (3) admitting to consuming alcohol on May 7, 2024, confirmed by a positive test for ETG on May 8, 2024; and (4) testing positive for methamphetamine on May 13, 2024, based upon a urinalysis test provided on May 8, 2024. (Doc. 50.)

At the revocation hearings, Tincher admitted to having violated the conditions of his supervised release by (1) failing to participate in substance abuse testing by providing a diluted urine sample on March 24, 2024; (2) consuming alcohol, testing positive for ETG on April 4, 2024; (3) admitting to consuming alcohol on May 7, 2024, confirmed by a positive test for ETG on May 8, 2024; and (4) testing positive for methamphetamine on May 13, 2024 based upon a urinalysis test provided on May 8, 2024. (Doc. 82.)

Judge Johnston found that the violations Tincher admitted prove serious and warrants revocation of his supervised release and recommends a sentence until August 8, 2024 at 7:45 p.m., at which time the United States Probation Office shall transport Tincher to the bus depot in Great Falls, Montana, and purchase Tincher a bus ticket to Billings, Montana. Tincher shall then remain on supervised release for 11 months. During the first 180 days of supervised release, Tincher shall be placed at the residential re-entry center in Billings, Montana. Tincher was advised of his

right to appeal and his right to allocute before the undersigned and waived those rights. (Doc. 82.) The violations prove serious and warrants revocation of Tincher's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 86.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Jeremy Leo Tincher be sentenced to the Bureau of Prison until August 8, 2024 at 7:45 p.m., at which time the United States Probation office shall transport Tincher to the bus depot in Great Falls, Montana, and purchase Tincher a bus ticket to Billings, Montana. Tincher shall then remain on supervised release for 11 months. During the first 180 days of supervised release, Tincher shall be placed at the residential re-entry center in Billings, Montana

DATED this 30th day of May, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court